

Atty Docket No. NOKIA.5003US

Anticipation Rejection

Claims 1-4 and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by the prior art. The grounds for the rejection are set forth in part 4 on pages 2-5 of the Office Action. Specifically, claims 1-4 and 17-20 are rejected as being anticipated by the embodiment illustrated and described in U.S. Patent No. 6,894,994 issued to Grob et al (this specific embodiment hereinafter being referred to simply as "Grob"). Applicants respectfully submit that the rejection fails to establish a prima facie case that Grob includes each and every one of the combination of features related to bearer setup recited in claims 1-4 and 17-20.

For example, independent claim 1 is directed to an apparatus "facilitating bearer setup of a bearer between [a] communication node and [a] correspondent node through operation of a selected bearer manager, the selected bearer manager having a network identifier identifying a network location thereof". The apparatus is recited as comprising "a first bearer setup request generator associated with [a] first application-level entity" in the communication network and generating a first bearer setup request which "when generated at the first application-level entity" is "free of the network identifier identifying the network location." Independent claim 17 is directed to a method rather than an apparatus, but recites features substantially similar to the above mentioned features recited in claim 1.

The term "bearer" used in the claims is explicitly mentioned in the background of the originally filed application as being "used, generally, to refer to a connection, at least upon a radio link extending to the mobile node from a network part of the communication system" and "generally refers to an entity formed by all factors that affect data transmission upon the radio link extending to the mobile node." The background of the originally filed application also states that "bearer setup" refers to the "procedure and process of setting up of the bearer" and that a "bearer manager" is a network

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entity "that controls the bearer setup procedures." See page 3, lines 9-16, of the specification.

The rejection of claims 1 and 17 in large part merely repeats verbatim the language of the claims and then refers to certain figures (Figs. 1, 9A, 9B, 10A, 10B, 13B, 13C and 13D) and their respective written descriptions (col. 12 to col. 15, line 54; and col. 17, line 31, to col. 19, line 22) in the patent. The rejection does not attempt to correlate the elements of Grob with the various features recited in claims 1 and 17, or otherwise specify how the various features recited in claims 1 and 17 are included in Grob, these features including a selected bearer manager "having a network identifier identifying a network location thereof", a first bearer setup request generator "associated with [a] first application-level entity", and a first bearer setup request which "when generated at the first application-level entity" is "free of the network identifier identifying the network location." Applicant submits that Grob does not include these features.

Figs. 9A and 9B cited in the rejection are directed to the network model for a particular session and shows that there are links of several different layers (application, transport, network, data link and physical link) between a client and a server (see col. 12, line 66, to col. 13, line 17, of the patent). Fig. 10A shows the protocol stack for a web browsing session (see col. 14, lines 29-39, of the patent) and Fig. 10B shows the protocol stack for an e-mail session (see col. 14, lines 61, to col. 15, line 3, of the patent). Applicant submits that the communication sessions addressed in these figures are not a procedure or process of setting up a bearer and, more to the point, neither the network model nor the protocol stacks implicate or address the details of bearer setup, much less include the above features related to bearer setup that are recited in claims 1 and 17.

Figs. 13A-13C are directed to a server activation process (see col. 17, lines 31-51, and col. 18, lines 6-12, of the patent). The service activation process relates to whether or not an access terminal

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110 may use a service on the communication network, and is intends to provides faster or more efficient service and/or session activation with an IP-based network and strong encryption mechanisms. Applicant submits that the activation process is not a procedure or process of setting up a bearer and, more to the point, does not implicate or address the details of bearer setup, much less provide the above features related to bearer setup that are recited in claims 1 and 17.

The rejection also repeats verbatim the portion of the summary that appears at col. 2, lines 54-60, of the patent and addresses various servers connected to the communications network via IP. The rejection does not indicate a correlation between this portion of the summary and any of the language of any of the claims, and as will be apparent from the following comments, the servers mentioned do not anticipate any of the above features recited in claims 1 and 17 related to bearer setup, as this term is properly understood from the background of the specification. Indeed, it is an objective of the preferred embodiments in this application to avoid the need for a direct interface between an application server and a bearer manager. In this respect, the claims include the feature that the first bearer setup request is "free of the network identifier identifying the network location" and thus, an application server would not need to know the network address and/or location of the selected bearer manager.

Claims 2, 3 and 17

In addition to the above features recited in claims 1 and 17, claims 2, 3 and 17 recite further features related to an interaction and/or interoperability of application layer processes and entities and transport layer processes and entities. Applicant submits that claims 2, 3 and 17 are allowable because these additional features are not included in Grob.

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In particular, claim 3 recites that the first bearer setup request "is sent to the transport level" and claim 17 recites providing the first bearer setup request "to a transport-level signaling layer entity." The rejection refers to Figs. 9A and 9B and col. 12, line 66, to col. 15, line 54 with respect to these features. However, these parts of the patent do not make any indication of how a bearer setup request is processed between the application layer and the transport layer, much less the specific features recited in claims 3 and 17.

Claim 4

Claim 4 is dependent on claim 3 and additionally recites that the first bearer setup request is sent to an AAA (Authentication Authorization Accounting) entity. In addition to the reasons set forth above, applicant submits that claim 4 is also allowable because Grob does not include this feature.

The rejection of claim 4 cites Fig. 14A and col. 19, line 22, to col. 20, line 5, of the patent in the rejection of claim 4. Applicant agrees that the description in the cited portion indicates that Grob includes an AAA entity, however there is no indication that the AAA entity in Grob is involved with the first bearer setup request and, more specifically, that a first bearer setup request is sent to an AAA entity.

Obviousness Rejection

Claims 5-16 are rejected under 35 USC 103 as being rendered obvious by the prior art. The grounds for the obviousness rejection of claims 5-16 is set forth in part 5 on pages 6-12 of the Office Action. Specifically, the claims are rejected as being rendered obvious by Grob when considered in view of U.S. Patent No. 6,765,912 issued to Vuong. Applicant respectfully traverses the rejection

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because it fails to establish a prima facie case that the prior art suggests modifying Grob in such a manner so as to include an apparatus having each and every one of the combination of features recited in the claims 5-16.

Claims 5-14

Claim 5 is dependent on claim 4 and each one of claims 6-14 is dependent, directly or indirectly, on claim 5. Claim 5 additionally recites a second bearer setup request generator "associated with the AAA entity and coupled to receive an indication of the first bearer setup request ..." and generating "a transport-level bearer setup request" that is delivered "to the selected bearer manager to request the bearer manager, when delivered thereat, to create the bearer. . ." The rejection of claim 5 acknowledges that Grob does not include the second bearer setup request generator recited in claim 5, but asserts that "Vuong explicitly teaches a second bearer setup" and that one of ordinary skill in the art would have combined Grob with the second bearer setup request generator as taught by Vuong "because this would provide a redundant setup mechanism for the system by providing a separate path for bearer setup."

The rejection cites col. 7, lines 28-34, and col. 8, lines 49-52, of Vuong as teaching the second bearer setup request generator. These portions read as follows:

Without a connection of the TDM and packet-based networks, the destination terminal is unable to supply a tone or announcement to the originating terminal, which may be desired in some applications. To overcome this, the bearer control module (52 or 56) can be connected to a local tone generator and/or announcement server associated with the circuit-switched network. The bearer control module (52 or 56) can thus send a signaling message to supply the tone or announcement at the originating terminal without an end-to-end voice connection already in place. (col. 7, lines 28-34)

The gateway system further includes one or more control units 230 on which various software modules or routines are executable. One or more storage units 232 are accessible by the control units 230 to store data and instructions. (col. 8, lines 49-52)

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Neither one of these portions suggests a "redundant setup mechanism" or explicitly teaches a second bearer setup request generator. The cited portion in column 7 addresses the situation when there is not a connection of the TDM and packet-based networks (see col. 7, lines 17-29), and suggests that the bearer control module send a signaling message to supply the tone or announcement at the originating terminal. The cited portion at col. 8 seems to merely mention that various software may be stored and executed.

The obviousness rejection fails to properly consider the Grob and Vuong patents as a whole to determine what they would suggest to one of ordinary skill in the art. Grob is directed to overcoming the limitations of conventional systems to provide a wireless packet data communication system that is capable of providing wireless Internet services and other packet data services at an increased peak data rate (see col. 1, line 28, to col. 2, lines 17). Moreover, as indicated above, it does not address the details of bearer setup. There would be no reason for one of ordinary skill in the art to attempt to apply the above cited portion of the Vuong patent to Grob except for the hindsight provided by this application.

Claims 15 and 16

Claims 15 and 16 are dependent on claim 1 and recite that the communication system includes a home network and a visited network, wherein the first application-level entity associated with the first bearer setup request generator comprises an application server in the home network or visited network, respectively. The obviousness rejection does not refer to the Vuong patent in any way when rejecting these claims. Applicant respectfully traverses the obviousness rejection of claims 15 and 16 because Grob does not include the features of claim 15 and 16 for the reasons set forth above in

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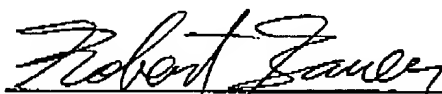
traversal of the anticipation rejection of claim 1 and because the rejection fails to establish a prima facie case that one would modify Grob to do so in view of the Vuong patent.

Conclusion

Applicant thus submits that all of the pending claims, claims 1-20, are allowable over the applied prior art for at least the reasons stated above. There being no other issues in this application, applicant respectfully requests a Notice of Allowance.

The Commissioner is hereby authorized to charge \$120 for one-month extension of time, and any additional fees necessary for the consideration of this Response Amendment, or credit any overpayment to the undersigned attorney's Deposit Account No. 10-0100 (Dkt. No. NOKIA.5003US).

Respectfully submitted,



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